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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,346	08/15/2000	Masroor Malik	P3930	1794

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EXAMINER	
SALAD, ABDULLAHI ELMI	
ART UNIT	**PAPER NUMBER**
2157	4

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/639,346	MALIK ET AL.	
	Examiner	Art Unit	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 August 2000* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been reviewed. Original claims 1-23 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

> ((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Welter et al., U.S. Patent No. 6,633,912 (hereinafter Welter).

As to claim 1, Welter discloses a software tool (enterprise portal software 602, 1060) for enabling automated tracking of activity related to the status and usage statistics (monitoring and analyzing status and performance) of a plurality of Web sites (see figs. 13 and 18 elements 606 and 1062) on a data packet network (internet) comprising:

- a network communication (communication interface) capability for establishing network communication (see fig. 18, element 1067) between the software tool (602) and the tracked Web sites (1062, 606) (see fig. 13,18 and col. 13, lines 60 to col. 14, line 24);

- a plurality of data-reporting nodules (site scope 604) for obtaining and reporting data to about tracked Web sites (web site 606) (see fig. 13, col. 13, lines 60 to col. 14, lines 24);
- a data input function for excepting data from the reporting modules and from external sources (the portal software 602 receiving monitored information from reporting module 604 and receiving configuration information from an external source user 612) (see col. 14, line 1-15);
- a data recording function for recording and logging the data received from the reporting-modules and from the external sources (database 610 for the portal 602 for recording a unified form of data-report module database 608) (see fig. 13, col. 13, lines 64-67 and col. 14 lines 43-48); and
- a data management function for organizing and storing the received data and rendering the data accessible for use in software development (see fig. 19, col. 14, lines 25-48, col. 17, lines 34-42, col. 18, lines 38-59 and col. 19, lines 29-65, where the stored data (610) is made accessible for use in developing a customized software solution for clients).

As to claim 2, Welter discloses the software tool of claim 1, wherein the data-packet-network is the Internet network (see fig. 18, element 1067).

As to claim 11, Welter discloses a system for enabling automated tracking of activity related to the status and usage statistics (monitoring status and performance statistic) of

a plurality of Web sites (606 or 1062) on a data packet network (Internet 1067) comprising:

- a site-tracking server (enterprise portal system 600 or 1060) connected to the network (1067) and adapted for communication with other servers (606 or 1062) connected to the network (see figs. 13 and 18, col. 2, col. 13, lines 60 to col. 14, line 25 and col. 17, line 63 to col. 18, line 12);
- a site-tracking software application (portal software 602) residing in the site-tracking server (enterprise portal system 600), the site tracking software comprising a network communication capability (see figs. 13 and 18), a plurality of data-reporting modules (604), a data input function (portal system 602 receiving input from the user 612 and monitored information from reporting modules 604), a data recording function (database 610 for storing monitored information) and a data management function for organizing and storing data (enterprise portal is operable to collect and aggregate data and present it in an organized manner) (see col. 14, line 1-24 and col. 17, lines 34-42 and col. 19, lines 55-57);
- a data repository (610) accessible to the site-tracking server (602) for storing data (see col. 14, lines 42-48); and
- a computerized workstation (fig. 13, element 612) connected to the network for enabling access to the site tracking software (602), the data repository (610), and the site-tracking server (602) (see col. 14, lines 25-41).

As to claim 12, Welter discloses the system of claim 11, wherein the data-packet-network is the Internet network (see fig. 18, element 1067).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-10, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter as applied to claims 1 and 10 and further in view of Stark U.S. Patent No. 5,935,210.

As to claim 3, Welter discloses substantial features of the claimed invention as discussed above with respect to claim 1 including a software tool (portal software) with network communication capability established to communicate the data reporting modules.

Welter is silent regarding:

wherein the network communication capability is established through hyper-linking to data reporting modules embedded within the tracked sites.

Stark, discloses a system for automated gathering of information among plurality resource sites, wherein extracted or retrieved data from any one of the plurality of sites includes embedded hyperlinks to other resource of the other sites (see figs. 2 and 3 and col. 4, line 34 to col. 5, line 13). Furthermore, Stark discloses a database generator module for gathering information about the collection of resources according user's preference. The module discovers other resources of the sites by finding the hyperlinks in the resource and gathers information identified by the embedded hyperlinks. Hence, one skilled in the art would have readily recognized the advantage of including embedded hyperlinks to Welter's data reporting modules embedded within the tracked sites in order to automatically compile the database modules. In this way, searching can be done with ease. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize an embedded hyperlinks to the database reporting module as taught by Stark, because the advantage of hyper-linking resource is that a user may readily identify linked resources that are maintained by different sites [see col. 3, lines 60-61].

As to claim 4, Welter discloses the software tool of claim 3, wherein the software tool is an Internet based application executing and running on an Internet server (see fig. 18, and col. 17, lines 61 to col. 18, line7).

As to claim 5, Welter discloses the software tool of claim 4, wherein the software tool is accessible through a network-browser application (see col. 14, lines 26-28).

As to claim 6, Welter discloses the software tool of claim 4, wherein the plurality of data-reporting modules are characterized by the types of data reported by each module (see figs. 10B-10G and col. 11, line 57 to col. 12, line 64, and col. 17, lines 34-40, where data reporting modules e.g., SitesSopes or monitor objects 350, 370 and 380 are configured to monitor and report particular types of data related with performance of the monitored web sites).

As to claim 7, Welter discloses the software tool of claim 6, wherein the external data sources include a software engineer (user 612 or operator) (see fig. 13, element 612 and col. 14, lines 25-48).

As to claim 8, Welter discloses the software tool of claim 7, wherein the Web sites are mined for data (extracted data) for the purpose of enabling the software engineer (user or operator or software provider) to generate software scripts designed to provide automated access to functional services based on data results (see col. 19, lines 40-65 and col. 21, lines 45-50, where gathered data from the web sites or clients sites are extracted data used by the user to generate scripts that provide automated services).

As to claim 9, Welter discloses the software tool of claim 8, further comprising a module for notifying the software engineer (user or operator) of any changes or updates to individual ones of the tracked Web sites (see col. 20, lines 62 to col. 21, lines 15).

As to claim 10, Welter discloses the software tool of claim 9, further comprising module for testing software routines written by the software engineer concerning individual ones of the tracked Web sites (see col. 14, lines 49 to col. 15, line 20 and col. 17, lines 34-49).

As to claim 13, Welter discloses substantial features of the claimed invention as discussed above with respect to claim 10 including a software tool (portal software) with network communication capability established to communicate the data reporting modules.

Welter is silent regarding:

> wherein the network communication capability is established through hyper-linking to data reporting modules embedded within the tracked sites.

Stark, discloses a system for automated gathering of information among plurality resource sites, wherein extracted or retrieved data from any one of the plurality of sites includes embedded hyperlinks to other resource of the other sites (see figs. 2 and 3 and col. 4, line 34 to col. 5, line 13). Furthermore, Stark discloses a database generator module for gathering information about the collection of resources according user's preference. The module discovers other resources of the sites by finding the hyperlinks

in the resource and gathers information identified by the embedded hyperlinks. Hence, one skilled in the art would have readily recognized the advantage of including embedded hyperlinks to Welter's data reporting modules embedded within the tracked sites in order to automatically compile the database modules. In this way, searching can be done with ease. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize an embedded hyperlinks to the database reporting module as taught by Stark, because the advantage of hyper-linking resource is that a user may readily identify linked resources that are maintained by different sites [see col. 3, lines 60-61].

As to claim 14, Welter discloses the system of claim 13, wherein the site-tracking software is accessible through a network-browser application installed on the computerized workstation (see col. 14, lines 26-28).

As to claim 15, Welter discloses the system of claim 14, wherein the computerized workstation is manned by a software engineer (user 612 or operator or software provider)(see fig. 13, element 612 and col. 14, lines 25-48).

As to claim 16, Welter discloses the system of claim 15, wherein the Web sites are mined for data (extracted data) for the purpose of enabling the software engineer to generate software scripts designed to provided access to functional services based on data results (see col. 19, lines 40-65 and col. 21, lines 45-50, where gathered data from

the web sites or from client sites are extracted data used by the user/operator to generate scripts that provide automated services).

As to claim 17, Welter discloses the system of claim 16, further comprising a module in the site-tracking software for notifying the software engineer (user or operator) of any changes or updates to individual ones of the tracked Web sites (see col. 20, lines 62 to col. 21, lines 15).

As to claim 18, Welter discloses the system of claim 17, further comprising a module in the site-tracking software for testing software routines written by the software engineer concerning individual ones of the tracked Web sites (see col. 14, lines 49 to col. 15, line 20 and col. 17, lines 34-49).

6. Claims 19-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Welter U.S. Patent No. 6,633,912 in view of Stark U.S. Patent No. 5,935,210.

As to claim 19, Welter discloses a method for enabling automated tracking of activity related to the status and usage statistics of a plurality of Web sites on a data packet network comprising the steps of:

- (a) mining data the from the individual ones of tracked Web sites (the portal system is operable to collect and aggregate data from the reporting modules and extract information that is useful to aid in correction of detected problems of the web sites or to develop customized solution) (see col. 19, lines 29-65 and);

- (b) receiving the data from the Web sites through network communication with the servers hosting the web sites (606) (see fig. 13 and col. 14, lines 1-15, where data is received from servers 606 hosting web sites);
- (**c**) organizing and sorting the received data (see col. 19, lines 55-65); and
- (d) storing the received data in a data repository connected to the network (storing the received data in portal database 610) (see fig. 13, col. 13, lines 60-67).

Welter is silent regarding:

wherein the received data organized and sorted according to site identification rules and data-type rules.

Stark, discloses a discloses a system for automated gathering of received data (resource) among plurality resource sites in a database module, wherein the database module gathers and filters according to site identification rules and data-type rules (see col. 3, lines 18-27 and col. 5, lines 66 to col. 6, line 13). Furthermore, Starks's system teaches information identifying a collection of resources (data), or "site" (e.g., the URL of particular site) and user parameters to be used in determining which resources to explore in the site may be received. Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to organize data according to site identification rules and data-type rules as taught by Stark such that a user can be presented only a particular data-type of interest based having certain characteristics at particular site, hence enabling a user to narrow the search a particular resource of interest thus saving time and system resource.

As to claim 20, Welter discloses the method of claim 19, wherein the method is practiced on the Internet network (see fig. 18, element 1067).

As to claim 21, Welter discloses the method of claim 20, wherein in step (a) the data reporting modules are characterized by the types of data reported by each module (see figs. 10B-10G and col. 11, line 57 to col. 12, line 64, and col. 17, lines 34-40, where data reporting modules e.g., SitesSopes or monitor objects 350, 370 and 380 are configured to monitor and report particular types of data related with performance of the monitored web sites).

As to claim 22, Welter discloses substantial features of the claimed invention as discussed above with respect to claim 19, including a software tool (portal software) with network communication capability established to communicate the data reporting modules.

Welter is silent regarding:

> wherein in step (b), the network communication between the site-tracking application and web sites is achieved through hyper-linking to embedded reporting modules.

Stark, discloses a system for automated gathering of information among plurality resource sites, wherein extracted or retrieved data from any one of the plurality of sites includes embedded hyperlinks to other resource of the other sites (see figs. 2 and 3 and col. 4, line 34 to col. 5, line 13). Furthermore, Stark discloses a database generator module for gathering information about the collection of resources according user's

preference. The module discovers other resources of the sites by finding the hyperlinks in the resource and gathers information identified by the embedded hyperlinks. Hence, one skilled in the art would have readily recognized the advantage of including embedded hyperlinks to Welter's data reporting modules embedded within the tracked sites in order to automatically compile the database modules. In this way, searching can be done with ease. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize an embedded hyperlinks to the database reporting module as taught by Stark, because the advantage of hyper-linking resource is that a user may readily identify linked resources that are maintained by different sites [see col. 3, lines 60-61].

As to claim 23, Welter discloses the method of claim 22, wherein the purpose for mining data from the Web-sites is to enhance capability of software engineers to write software routines to enable and maintain automated, functional access to services offered by the Web sites (see col. 19, lines 40-65 and col. 21, lines 45-50, where gathered data from the web sites or clients sites are extracted data used by the user to generate scripts that provide automated services).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Weinberg et al., U.S. Patent No. 6,549,944. Provides a web site analysis application and means for generating scripts for evaluating performance of the web sites.

b) Vanderveldt et al., U.S. Patent No. 6,266,668. Provides a system for dynamic data-mining data from database.

c) Astiz et al., U.S. Patent No. 6,035,330. Provides a system for which parses various object contained on web sites, organizes these objects by hyper-linking them.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) (872-9306).

Abdullahi Salad

Examiner AU 2157

3/19/2004